

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Mireya Rocha, as Special Administrator for the Estate of Francisco Rocha, deceased,

Plaintiff,

v.

City of Chicago, et al., Ryan Sheehan, Star No. 18701, City of Chicago Police Officer Maciej Prazmowski, Star No. 16860, City of Chicago Police Officer William Fashbinder, Star No. 10675, City of Chicago Police Officer Javier Rangel, Star No. 17072, City of Chicago Police Officer Carols Cortes, Star No. 4873, City of Chicago Police Officer Edward Griffin, Star No. 3336, City of Chicago Police Officer Tina Sukalo, Star No. 6402, City of Chicago Police Officer Roman Godinez, Star No. 7119, City of Chicago Police Officer Jason Sollis, Star No. 11022, City of Chicago Police Officer Martin Ryczek, Star No. 98, City of Chicago Police Officer Michael Mealer, Star No. 95, City of Chicago Police Officer David McNaughton, Star No. 120, City of Chicago, and as-of-yet unknown City of Chicago Police Officers,

Defendants.

No. 15-cv-6303

Judge Andrea R. Wood

JOINT MOTION FOR APPROVAL OF SETTLEMENT AND DISMISSAL WITH PREJUDICE

Now comes Plaintiff, MIREYA ROCHA, as Special Administrator for the Estate of Francisco Rocha, deceased, by and through her attorneys, Angelini & Ori, LLC and Defendants, CITY OF CHICAGO, et. al., by and through Dana Pesha, Senior Corporation Counsel for the City of Chicago,

and in support of their Joint Motion to Approve Settlement and Dismissal with Prejudice, state as follows:

1. This cause of action, sounding in 42 U.S.C. § 1983, was originally filed on July 20, 2015, in the United States District Court for the Northern District of Illinois.
2. On July 19, 2014, Francisco Rocha suffered serious injuries resulting in his death while engaged in an altercation with the Chicago Police Department.
3. Francisco Rocha's wife, Mireya Rocha, has pursued this wrongful death claim on theories of excessive force and failure to intervene as well as state law claims of assault and battery, *respondeat superior* and indemnification.
4. As there are no assets in the Estate of Francisco Rocha other than the instant lawsuit, Mireya Rocha was named and is duly qualified to act as Special Administrator of the Estate of Francisco Rocha.
5. At the time of his death, Francisco Roach was married to Mireya Rocha and had three surviving children resulting from this marriage. One of his surviving children is a minor. All three surviving children currently reside with Plaintiff, Mireya Rocha. These are the only immediate heirs making claims under this Wrongful Death action as a result of Francisco Rocha's death.
6. Despite the fact that Defendants have contested the issue of liability as to Francisco Rocha's death, the City of Chicago has agreed to offer \$45,000.00 to resolve this Wrongful Death action. The parties believe that this settlement is fair, reasonable, and just in considering the damages alleged to have been sustained, as well as the attendant benefits, risks, and costs of proceeding forward with extensive discovery, possible dispositive motions filed by Defendants, and a possible trial.
7. Based upon issues of liability, Plaintiff's attorneys, Angelini & Ori, LLC, recommended acceptance of this offer.
8. Mireya Rocha, as Special Administrator of the Estate of Francisco Rocha, has authorized said settlement, subject to approval of this Court.

9. Plaintiff believes that there are no additional individuals who have made or who may make claims to the Estate of Francisco Rocha.

10. As there is a minor beneficiary, a copy of Plaintiff's Verified Petition to Approve Wrongful Death Settlement, an Affidavit of Mireya Rocha and a Settlement Distribution Agreement executed by all beneficiaries, was submitted to this Honorable Court in person on August 3, 2016 for *in camera* inspection.

WHEREFORE, Plaintiff, MIREYA ROCHA, as Special Administrator for the Estate of Francisco Rocha, deceased, by and through its attorneys, Angelini & Ori, LLC and Defendants, CITY OF CHICAGO, et. al., by and thorough Corporation Counsel for the City of Chicago, respectfully request that this Honorable Court (1) approve the Settlement Agreement and Distribution pursuant to Plaintiff's Verified Petition, (2) dismiss the entire action with prejudice, and (3) retain jurisdiction to enforce the terms of the Settlement Agreement. *See Kokken v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375 (1994).

Dated: August 4, 2016

Respectfully Submitted,

/s/ Dina M. Ninfo
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Counsel for DEFENDANTS

CERTIFICATE OF SERVICE

I, Dina M. Ninfo, hereby certifies that on August 4, 2016, I filed the above Joint Motion for Approval of Settlement and Dismissal with Prejudice using the CM/ECF system, which will electronically transmit a copy of the foregoing document.

Dated: August 4, 2016

/s/ Dina M. Ninfo